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RUEHJZ/HUMAN RIGHTS COMMISSION COLLECTIVE
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RUEHKO/AMEMBASSY TOKYO
RUEHBY/AMEMBASSY CANBERRA
RUEHUL/AMEMBASSY SEOUL
RUCNDT/USMISSION USUN NEW YORK
RUEHGV/USMISSION GENEVA
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SUBJECT: CHINA/EU: HUMAN RIGHTS DIALOGUE IS PRODUCTIVE,
WITH GOOD ATMOSPHERE

¶1. (SBU) Summary: The EU troika held its annual EU-China Human Rights Dialogue on May 14 in Prague. EU participants found the atmosphere to be more positive and productive on most issues than at the last dialogue in December 2008 in Beijing.

¶2. (SBU) The EU held legal seminars in Prague two days before the main dialogue meeting. These sessions, which European and (officially approved) Chinese NGOs attended, focused on the right to health, and access to justice.

¶3. (SBU) The dialogue itself lasted 6-7 hours and took place in Prague. China warned the EU of unspecified serious consequences if any EU Member State resettled Uighurs from Guantanamo Bay. China declined to hear an EU pitch for it to sign the Optional Protocol to the Convention Against Torture (OPCAT), but later, during a field trip, an enterprising Czech official hijacked the public address system on a chartered bus to deliver his OPCAT pitch to a then captive Chinese audience. China said that it would soon revise its State Secrets Law to define what constitutes a state secret. China also said that it would invite the UN High Commissioner for Human Rights (UNHCHR) and the UN Rapporteur on Economic, Social, and Cultural Rights to visit. China said it did not support the opening of a new office for the UNHCHR in Beijing. End Summary.

¶4. (SBU) INDIVIDUAL CASES (PRISONER) LISTS. The EU expressed frustration with the lack of Chinese response to the previous list passed in December 2008. The Chinese said that they did not respond because of the "bad atmosphere" surrounding the cancellation of the EU-China summit, but promised to respond to the EU's latest submission. The EU submitted approximately 85 names, which were made up of the previous list plus a few additions. The EU has not received any response from China yet.

¶5. (SBU) REVIEW OF DEATH PENALTY CASES. China sent a judge from the Supreme People's Court to talk about the death penalty in China. He said that the central government is attempting to reduce the number of death penalties handed down by Chinese courts. Chinese authorities are offering training to local judges, mandating reduced sentences for certain categories of crimes, requiring three judge panels to meet in person and rule unanimously on death penalty

sentences, and are attempting to strengthen evidentiary standards for death penalty cases. The judge asserted that death penalty cases are down this year over last year, but offered no specific figures.

¶16. (SBU) THE FIGHT AGAINST TORTURE. The Chinese said that this was a top priority of their Human Rights National Action Plan. They acknowledged that torture does take place in China, even though the central government has issued clear guidelines on the treatment of prisoners. The Chinese human rights authorities reportedly hap?slkzQto a Czech prison facility. The Czech official responsible for OPCAT, previously rebuffed by the Chinese side in formal talks, apparently used a microphone on the bus to give his OPCAT pitch to a captive Chinese audience.

¶18. (SBU) CHINESE HUMAN RIGHTS NATIONAL ACTION PLAN. China was eager for comments from the EU on its Human Rights National Action Plan. The EU told China that, among other problems, there was no provision for political rights, but said the plan was a good start. China remarked that many countries, including many in the EU, did not yet have an action plan. China revealed that the State Secrets Law is being revised and should be ready soon. Chinese officials

BRUSSELS 00000783 002 OF 003

said that the law would finally define what constitutes a state secret.

¶19. (SBU) RIGHT TO HEALTHCARE. The EU received superficial replies from Chinese officials, who seemed genuinely puzzled about why this was being discussed in a human rights context. China sent an official from the Health Ministry who was unprepared to speak to the human rights aspects of healthcare. The EU specifically raised mental health and the one child policy. China said they were open to cooperation on these issues. The EU took this to be a generic answer, versus a genuine interest in working on health as a human rights problem.

¶110. (SBU) HUMAN RIGHTS DEFENDERS. China dismissed the concept of "human rights defenders," contending that the EU's Human Rights Defenders appeared to be nothing more than criminals who had broken the law.

¶111. (SBU) FREEDOM OF EXPRESSION. The EU pressed China to show more respect for petitioners, raising the case of the earthquake victims' families who recently petitioned. The Chinese side claimed that petitions were not a major issue, and that most petitions were fQed with fake signatures anyway.

¶112. (SBU) INTERNET CONTROLS. China gave an expected answer, saying that the Chinese people supported the government's controls and that they were necessary to preserve order. Chinese officials offered online "strip poker" as an example of the kinds of websites that can be "very dangerous to mental health," and said they were justifiably banned.

¶113. (SBU) CHARTER 08. China said this group was not an issue, and maintained that its petition was not real. The EU asked why members of the group were jailed if it was not an issue. China responded that the group's conduct was against Chinese law.

¶114. (SBU) TIBET. China pledged to improve access for foreign journalists and diplomats "soon," and characterized the current lack of access as mainly a logistical problem (e.g. lack of hotels, infrastructure). China was not willing to discuss Tibet in a human rights context. The EU was encouraged that the lead Chinese official conceded that "there are absolutely human rights issues in Tibet," but frustrated that he continued by saying that current problems in Tibet can be traced to criminals, not to human rights problems.

¶115. (SBU) GUANTANAMO DETAINEE RESETTLEMENT. China warned EU

Member States not to accept Chinese Uighurs, and promised unspecified heavy consequences for the EU should any be resettled in the European Union. China said it was aware of discussions involving Germany and Sweden as possible destinations. China said the Muslim Uighurs constituted a security threat to the EU, and said that UNSCR 1373 required UN Member States not to provide safe haven for terrorists. China urged the EU to press for the Uighurs to be returned to China, where they could be properly tried for Qir crimes. The EU told China that the resettlement of individual detainees is a state-by-state decision, and that the EU was not involved. China was invited to take up its concerns bilaterally with relevant Member States. The EU said that even if it were involved in individual resettlement cases, it could not support the transfer of any detainee to a country that might employ the death penalty against them.

¶16. (SBU) DECLARATION ON SEXUAL ORIENTATION. The EU asked China to consider signing this declaration. China responded that it was supportive, but claimed the declaration could "offend Chinese Muslims."

¶17. (SBU) COMPLAINTS ABOUT EU CUSTOMS AND IMMIGRATION OFFICIALS. China complained of racist behavior on the part of EU customs and immigration officials at EU airports. China raised the case of a Chinese woman arriving in France. The EU offered to look into any specific cases, but has not

BRUSSELS 00000783 003 OF 003

yet received a response from French authorities.

¶18. (SBU) UN HUMAN RIGHTS COUNCIL. China said it wanted to cooperate more with the EU in the Human Rights Council. It said it had ideas on how the EU could work better with the Africa Group and was willing to help lobby the Africa Group on specific issues. China welcomed the United States back to the Human Rights Council and was pleased that the U.S. won a seat. China said it intended to invite the UN Rapporteur on Economic, Social, and Cultural Rights and the High Commissioner for Human Rights to visit China this year. China said it did not support the opening of an office of the UN High CommisQner for Human Rights in Beijing.

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